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Washington 25, D. C.

July 21, 1943

PERSONNEL DIVISION MEMORANDUM NO. 14

Supplement No. 2

To: Branch and Division Chiefs and Regional Administrators

From: Frederick C. McMillen, Chief, Personnel Division

Subject: Overtime Compensation

In Director's Memorandum No. 24, Supplement No. 1, dated February 9, 1943, the policy regarding the performance of excess overtime was clearly stated by Mr. Hendrickson, and in the same memorandum Chiefs of Branches and Divisions in Washington and Regional Administrators in the field were designated as the officials of the Administration authorized to require overtime work beyond 48 hours a week. In Personnel Division Memorandum No. 14, dated February 9, 1943, a procedure was provided for the reporting of authorized overtime in excess of 48 hours per week, copies of the report to be sent to the Finance and Accounts Division and to the Personnel Division in Washington, D. C. or to the Regional offices, as the case may be.

With the passage of the new War Overtime Pay Act of 1943 and the issuance of regulations by the Civil Service Commission for the administration of the Act, the Department Office of Personnel has issued Personnel Circular 130 (Revision I), dated June 5, 1943. The Office of Budget and Finance has also issued Budget and Finance Circular No. 654, Revision 1, dated May 27, 1943. Copies of these circulars are attached and are believed to be self explanatory. However, the following points might well be emphasized.

1. While heads of administrations, bureaus and offices of the Department may designate certain officials to require excess overtime beyond the 48 hours each week, which delegation has already been made by this Administration in the Director's Memorandum referred to above, any continuing increase or decrease in hours of duty may be made only with the prior approval of the Director of Personnel. Cases of this kind should be reported by Chiefs of Branches or Divisions or by Regional offices to the Washington Personnel Division for consideration and submission to the Department Office of Personnel as required.

2. (a) The Personnel Circular requires the reporting of all cases of overtime in view of anticipated requests for reports from time to time.

It will also be noted that any excess overtime shall be reported on the basis of time periods of fifteen minutes or multiples thereof.

(b) It will be noted that officials who are authorized to order or approve excess overtime may in their discretion elect to grant full time per annum employees compensatory time off from duty in lieu of overtime pay for work in excess of 48 hours in any work week. However, if the compensatory time off is not granted within 90 calendar days after being earned, the employee concerned shall be given overtime pay for the work.

(c) Personnel Division Memorandum No. 14 provides for a procedure for reporting excess overtime with a view to compensating employees. The same procedure shall be followed in authorizing time off for overtime in excess of 48 hours, as covered in Paragraph I, "Request for Overtime." In this connection, the Comptroller General in a recent decision stated that excess overtime may either be ordered in advance or approved after the overtime has been performed; however, wherever possible, arrangements shall be made for prior approval. Paragraph II of Personnel Division Memorandum No. 14, under the heading "Overtime Form FDA-302", should be amended to read as follows:

"(a) The supervisor making the original request shall execute in triplicate Form FDA-302, and forward same to the Branch or Division Chief or the Regional Administrator, as the case may be, on the last working day in each pay period in which excess overtime has been performed. In those cases where compensatory time off in lieu of overtime compensation is involved, the leave application covering the compensatory time off shall be attached. If the compensatory leave is granted during a subsequent pay period, appropriate reference shall be made to the report of overtime for which the leave application is being submitted.

"(b) Upon receipt of Form FDA-302, the Branch or Division Chief or the Regional Administrator, as the case may be, will sign all copies if he approves the overtime.

"In the case of money compensation, the copies of the form will be routed as follows:

1. Original to the Cashier and Payroll Section of the Washington or Regional Finance and Accounts Division, as the case may be.
2. One copy to the Accounting Section of the Washington or Regional Finance and Accounts Division, as the case may be.

3. One copy to the Washington or Regional Personnel Division, as the case may be, for accumulation for a record of overtime.

"In the case of compensatory time off, the copies of this form will be routed as follows:

1. Original to the Washington or Regional Personnel Division, as the case may be, for the individual leave record of the employee concerned.
 2. One copy to the Washington or Regional Finance and Accounts Division, as the case may be.
 3. One copy to the Washington or Regional Personnel Division, as the case may be, for accumulation of a record of overtime."
3. If you have any employees in the category covered in Paragraph 7 (d) of the Personnel Circular, recommendation should be made to the Washington Personnel Division for their proper designation, either as intermittent or irregular employees or as full time employees.

Federal Civil Service

Attachments
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UNITED STATES DEPARTMENT OF AGRICULTURE
Office of Personnel
Washington, D. C.

June 5, 1943

Personnel Circular No. 130 (Revision I)

OVERTIME COMPENSATION

It is the purpose of this revised Circular to prescribe the rules and procedures governing personnel officers in effecting the payment of overtime compensation and additional compensation in lieu of overtime to employees of the Department pursuant to the War Overtime Pay Act of 1943, approved May 7, 1943 (Public Law No. 49, 78th Congress), and Departmental Circular No. 424, issued by the U. S. Civil Service Commission under date of May 8, 1943 (8 F. R. 6915). Information regarding the governing fiscal and payroll rules and procedures is provided in Budget and Finance Circular No. 654, Revision I, dated May 27, 1943.

1. Scope of the Act: (a) All employees of the Department, including employees of corporations owned or controlled by the Department, shall be paid overtime compensation or additional compensation in lieu of overtime pursuant to the War Overtime Pay Act of 1943, except the following:

- (1) The Secretary of Agriculture;
- (2) Those employed anywhere outside the 48 states and the District of Columbia who are paid local prevailing wage rates;
- (3) Cooperatively-controlled agents, that is, agents employed under cooperative agreements which reserve to the State or other non-Federal agency or organization any supervisory control either as to duties or as to salaries; and
- (4) Those whose wages are fixed on an hourly or daily basis by a wage board or similar administrative authority serving the same purpose, pursuant to Secretary's Memorandum No. 1088, dated May 6, 1943.

There are no employees of the Department in this fourth category at this time. If and when wage boards or similar administrative authorities have been established and wage rates for specified groups of employees have been fixed in accordance with wage board procedures, the employees affected will be removed from the scope of the War Overtime Pay Act of 1943. Those employees who are employed on a daily or hourly basis in the various trades and occupations covered by the Act of March 28, 1934 (5 U.S.C. 673c), will, at such time as they are removed from the scope of the War Overtime Pay Act of 1943, come within the scope of the 1934 Act and shall be paid overtime compensation pursuant to the 1934 Act.

(b) Federally-controlled agents, that is, cooperative agents whose duties and rates of pay are controlled by the Department, are "employees" of the Department within the meaning of the War Overtime Pay Act of 1943 and are paid overtime compensation on so much of their total basic salaries as does not exceed a rate of \$2900 per annum, or additional compensation in lieu of overtime, even though a part of their salaries may be paid by the cooperating agency.

(c) Employees engaged in meat inspection work who come within the scope of the Act of July 24, 1919 (41 Stat. 241; U.S.C., Title 7, Sec. 394), are paid overtime compensation in accordance with the same rules that govern the payment of overtime compensation or additional compensation in lieu of overtime to other employees of the Department.

2. Definitions of Terms (a) As used in this Circular, the following terms have the meanings indicated;

(1) "Full-time" employees are employees who are regularly required to be on duty, as a minimum, the number of hours in the official work week 1/ specified for employees in their respective groups.

Employees appointed on a WAE basis at hourly or daily rates of pay who in fact work regularly, as a minimum, the number of hours in the official work week are "full-time" employees within the meaning of these regulations. When an employee is appointed on a WAE basis, it is presumed during his first month of service that he is an intermittent or irregular employee (see subparagraph 2 (a) (2), below). If, however, he works regularly and at the end of his first month of service is entitled to annual leave, he shall thereafter be classed as a full-time employee until such time as a break or breaks in his service require that he again be classed as intermittent or irregular.

Employees serving under temporary appointments who regularly work, as a minimum, the number of hours in the official work week are "full-time" employees within the meaning of these regulations.

Employees in the field service who work staggered hours as authorized by paragraph 3 of Personnel Circular No. 108 (Revision II), dated December 31, 1942, are "full-time" employees within the meaning of these regulations.

(2) "Intermittent" or "irregular" employees are employees who are not regularly required to work a specified minimum number of hours.

1/ The regular official work week of the Department currently comprises six working days of eight hours each. Because of the special circumstances under which they work, certain limited groups of employees have a different work week. See Personnel Circular No. 108 (Revision II), dated December 31, 1942, for regulations governing hours of duty in the Department.

(3) "Part-time" employees are employees who are regularly required to work a specified number of hours per week administratively fixed in advance at less than the official work-week for similar employees at the same place or on the same project. Such employees shall be considered part-time employees if they are required to work a specified minimum number of hours per week notwithstanding the fact that they do not work the same number of hours each day.

(4) "Piece-work" and "fee" basis employees include all employees whose compensation is based upon other than a time period basis.

(5) "Overtime work" means all work which an employee performs in excess of forty hours per week upon the order or request or with the approval of his official superior. Overtime work included in the official work week may be referred to as "regular" overtime. Work that is ordered or approved in excess of the official work week may be referred to as "excess" overtime.

3. Benefits Under the Act 2/: (a) Per annum employees who work the regular official work week of 48 hours will receive under the War Overtime Pay Act of 1943: (1) overtime pay at the rate of 21 2/3% of their basic compensation up to \$2900, if such compensation is at a rate of \$1140 or more per annum; (2) additional compensation of \$300 per annum in lieu of overtime, if their basic compensation is at a rate of \$1200, \$1260, \$1320, or \$1380 per annum; or (3) additional compensation in lieu of overtime amounting to 25% of their basic compensation, if they are paid \$1140 or less per annum.

(b) It will be found that employees who regularly work 48 hours per week and receive additional compensation in lieu of overtime must, if required to work excess overtime, work a certain amount of such excess overtime without receiving any increase in their usual gross compensation (basic pay plus additional compensation in lieu of overtime pay), for the pay period. Specifically, those paid at annual rates of \$1200 and less must work two hours and forty minutes of excess overtime before their earnings on an overtime basis (regular plus excess overtime) would equal the additional compensation received during the pay period in lieu of overtime. Similarly, those paid at an annual rate of \$1260 would have to work one hour and forty-three minutes; those at \$1320, fifty-one minutes; and those at \$1380, about four minutes. The amount of excess overtime without increased compensation would be greater in the case of employees whose official work week is less than the standard week of 48 hours.

(c) The overtime compensation for full-time employees who regularly work a six-day 48-hour week and who are paid on an hourly or per diem basis for every day in the year except Sundays will be found to be 21 2/3% of their basic compensation.

(d) Part-time, piece-work, and fee basis employees receive, in lieu of overtime compensation, additional compensation at a rate of 15% of so much of their earned basic compensation as is not in excess of a rate of \$2900 per annum.

2/ See Budget and Finance Circular 654, Revision I, dated May 27, 1943, for detailed information regarding the methods of computing overtime compensation and additional compensation in lieu of overtime.

(e) Intermittent and irregular employees whose basic rate of compensation is \$2000 per annum or more receive, in lieu of overtime pay, additional compensation at a rate of 15% of so much of their earned basic compensation as is not in excess of a rate of \$2900 per annum.

Intermittent and irregular employees whose basic rate of compensation is less than \$2000 per annum receive, in lieu of overtime pay, additional compensation at a rate of \$300 per annum, provided that the amount of such additional compensation may not exceed 25% of an employee's earned basic compensation for any pay period.

4. Ordering and Recording Excess Overtime: (a) Heads of administrations, bureaus, and offices and such officers as they may specifically designate may at their discretion require additional work of any employee or group of employees in excess of the officially established hours of duty in order to provide for temporarily increased work loads. ^{3/} Any continuing increase or decrease in hours of duty may be made only with the prior approval of the Director of Personnel.

(b) All excess overtime work shall be made a matter of record. It is anticipated that special reports regarding such overtime will be required from time to time. Overtime work shall be recorded on the basis of time periods of 15 minutes or multiples thereof.

5. Compensatory Time Off: (a) Officials who are authorized to order or approve excess overtime may in their discretion elect to grant full-time per annum employees compensatory time off from duty in lieu of overtime pay for work in excess of forty-eight hours in any work week. If the compensatory time off is not granted within 90 calendar days after being earned, the employee or employees concerned shall be given overtime pay for the work. Such overtime pay is based on the rate of pay earned by the employee at the time the excess overtime was worked.

6. Miscellaneous Provisions: (a) An employee subject to the Annual and Sick Leave Acts of March 14, 1936, as amended, who is on approved absence, except in a non-pay status, during any part of the regular official work week shall be charged annual or sick leave, as the case may be, and such leave shall not reduce the amount of overtime compensation or additional compensation in lieu of overtime to which the employee is entitled for employment during the regular official work week.

(b) When an employee is in a non-pay status, there is deducted from his compensation the gross amount (basic pay plus overtime pay or additional compensation in lieu of overtime pay), that he would have earned had he been in a pay status during the same period.

(c) Work on holidays and Sundays is considered in the same manner as employment on any other calendar day in computing overtime compensation or additional compensation in lieu of overtime. If a holiday or Sunday falls within an employee's regular work week, he receives no extra compensation

^{3/} See Secretary's Memorandum No. 1058, dated December 31, 1942.

for work on such holiday or Sunday. Excess overtime, as defined in subparagraph 2(a)(5), above, that is worked on a Sunday or holiday is compensated upon the same basis as excess overtime worked on any other day.

(d) Mechanics and laborers who come within the scope of the Eight-Hour Law are paid overtime compensation or additional compensation in lieu of overtime on the same basis as other employees.

(e) The payment of overtime compensation, or additional compensation in lieu of overtime, does not constitute an "equivalent increase in compensation" within the meaning of the within-grade salary advancement statute of August 1, 1941, and does not affect an employee's eligibility for a within-grade salary advancement thereunder.

(f) Regular overtime compensation and additional compensation in lieu of overtime is construed to be a part of an employee's basic pay in computing his correct rate of pay for injury compensation pursuant to the United States Employee's Compensation Act of September 7, 1916. Excess overtime, however, is not construed to be a part of an employee's basic pay.

7. Procedure: (a) Individual personnel actions will not be required to effect the pay adjustments required by preceding paragraphs of this Circular.

(b) The respective bureau personnel officers shall be responsible for determining and informing the payroll offices as to which employees are:

(1) "Full-time," as defined in subparagraph 2(a)(1) of this Circular, including employees appointed on a WAE basis who in fact work regularly;

(2) "Intermittent or irregular," as defined in subparagraph 2(a)(2) of this Circular; or

(3) Who are employed on a "part-time," "piece-work," or "fee" basis, as defined in subparagraphs 2(a)(3) and (4) of this Circular.

(c) In the case of all future personnel actions, if it is not clearly evident from the nature of the action as to which of the above categories the affected employee is in, an asterisk shall be placed on the fanfold Personnel Notification immediately following the basic rate of pay shown in the "TO" section of the block and a suitable notation shall be placed under "Remarks" somewhat as follows: "*Full-time employee."

(d) Employees whose work requires them to remain at, or within, the confines of their posts of duty for more than forty hours per week, but does not require that all of their time be devoted to actual work, may be considered to be intermittent or irregular employees, or in the discretion of the Director of Personnel, may be considered to be full-time employees having such administrative work week as may be specified.

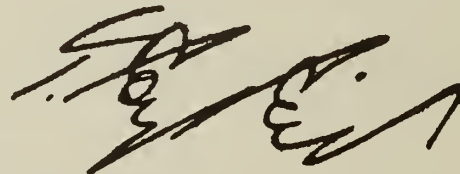
Personnel officers of bureaus having employees in this category shall submit to the Director of Personnel for approval prior to issuance administrative regulations or instructions according to which the status of employees under this rule shall be determined.

8. Effective Date: These regulations shall take effect on May 1, 1943, and shall terminate on June 30, 1945, or such earlier date as the Congress may prescribe for the termination of the provisions of the War Overtime Pay Act of 1943, Public Law 49, 78th Congress.

9. Bureau Instructions: Administrations, bureaus, and offices shall submit to the Office of Personnel in duplicate copies of all administrative orders, instructions, or rules issued by them for effecting the provisions of the War Overtime Pay Act of 1943, within three days of the time such orders, instructions, or rules are issued.

Personnel Circular No. 130, dated January 14, 1943; Personnel Circular No. 130, Supplement No. 1, dated March 29, 1943; and Personnel Circular No. 130, Supplement No. 2, dated April 24, 1943, are hereby canceled.

By Direction of the Secretary:

A handwritten signature in dark ink, appearing to be 'T. Roy Reid', written in a cursive style.

T. Roy Reid
Director of Personnel

UNITED STATES DEPARTMENT OF AGRICULTURE
Office of Budget and Finance
Washington, D. C.

May 27, 1943

BUDGET AND FINANCE CIRCULAR 654, Revision 1

Overtime Compensation

The War Overtime Pay Act of 1943 (Public Law 49, 78th Congress) provides for overtime pay, or additional compensation in lieu thereof, for all Government employees, with certain exceptions, effective May 1, 1943 (see Personnel Circular No. 130, Revision 1, for classes of employees eligible to receive overtime pay and additional compensation, respectively, under provisions of the Act). The Act terminates June 30, 1945, or such earlier date as Congress by concurrent resolution may prescribe.

Regulations for administration of Sections 1 to 7, inclusive, of the Act are covered in Departmental Circular No. 424 issued by the Civil Service Commission May 8, 1943.

Application of the War Overtime Pay Act presents numerous problems, many of which will in due time be covered by decisions issued by the Comptroller General. The instructions in this Circular have been informally checked with sources considered reliable and are based on the best information available at this time. Points which are considered controversial by this Office are being presented to the Comptroller General for clarification.

Throughout this Circular "regular overtime" refers to the time the established work week exceeds 40 hours per week, and "excess overtime" to the overtime required or approved by authorized officials in excess of the established work week. "Earned basic compensations" is the amount of salary actually earned by an employee, exclusive of overtime compensation or additional compensation in lieu thereof, but inclusive of any salary differential for duty outside the continental United States, including Alaska, and the value of quarters, subsistence, and other maintenance allowances under Section 3 of the Act of March 5, 1928 (45 Stat. 193; 5 U. S. C. 75a).

Instructions in this Circular are based on an established 48-hour work week.

Full-time Employees Paid at Annual Salary Rates (See revised salary tables, General Regulations No. 54, Supplement No. 15, issued by the General Accounting Office May 8, 1943).

Overtime: Overtime compensation for work officially ordered or approved in excess of 40 hours per week shall be paid at a rate of one and one-half times such portion of the employee's regular rate of compensation as does not exceed a rate of \$2900 per annum; Provided, however, that when the overtime compensation for any pay period is less than a rate of \$300 per annum, in lieu of such overtime compensation, there shall be paid

the employee an additional amount equal to either (a) a rate of \$300 per annum, or (b) 25 per cent of the employee's earned basic compensation for the pay period, whichever is less, except that such allowance in lieu of overtime compensation shall not prevent an employee from receiving overtime compensation for the actual overtime performed when the amount earned during the pay period exceeds the additional compensation allowance. Consequently, full-time per annum employees compensated at the rate of \$1380 or less per annum who receive additional compensation in lieu of overtime will be paid for excess overtime only in the event regular overtime (see General Regulations 54, Supplement 14, dated December 29, 1942) plus excess overtime for the period exceeds the additional compensation granted in lieu of overtime. In other words, before employees in this class can begin to be paid for excess overtime during a pay period, those receiving 25 per cent of the earned basic compensation in lieu of overtime must work sufficient excess overtime to earn three and one-third per cent of their basic compensation, and those receiving additional compensation at the rate of \$300 per annum must work sufficient excess overtime to earn the difference between the regular overtime rate and the rate of \$300 per annum.

Overtime compensation for employment during an officially established work week in excess of 40 hours will be calculated on an annual basis and paid in equal amounts on the regular monthly or semimonthly pay days. For an established 48-hour work week, the annual overtime rate is determined on the basis of 416 overtime hours (52 weeks x 8 hours per week) for the year multiplied by one and one-half times the gross hourly salary rate for an 8-hour day (annual salary rate divided by 2880). The daily rate shall be 1/360 of the annual rate, and the hourly rate 1/8 of the daily rate.

Excess overtime, for which compensatory time off is not granted, shall be paid (subject to additional compensation allowances, if any, as described in the first paragraph of this section) at one and one-half times the employee's basic hourly rate in effect at the time the excess overtime was performed, on the basis of time reports certified by officer or employee duly authorized to require or approve work in excess of the established work week.

Employees working on an established 44-hour week basis would be paid one-half the overtime allowed for services on a 48-hour work week basis.

Leave with pay: Absence from duty on authorized leave with pay during the time which an employee would otherwise have been required to work (including authorized absence on legal holidays and during the compensatory time off in lieu of excess overtime) during the established administrative

work week shall be considered to be employment and shall not be construed to reduce the amount of overtime compensation to which the employee is entitled during such work week.

Leave without pay: The deduction from overtime compensation for one day of leave without pay shall be $1/360$ of the overtime compensation which would be paid annually for overtime employment during the established work week. The same rule applies where additional compensation is paid in lieu of overtime compensation. (See "Gross daily rate for overtime earnings", General Regulation 54, Supplement No. 14, for salary rates for \$1440 to \$4200 per annum, and Supplement No. 15 for salary rates of \$600 to \$1380, inclusive, and \$4400 and upward.)

Work on holidays or Sundays: Work on legal holidays shall be considered in the same manner as employment on any other calendar day in computing the amount of overtime. Work on Sunday (or equivalent non-duty day) required or approved by duly authorized officers or employees is excess overtime.

Full-time Employees Paid at Daily and Hourly Rates

Full-time employees paid at daily or hourly rates are entitled to overtime or additional compensation in lieu thereof in the same manner as per annum employees except that overtime for an established work week will be computed in accordance with Comptroller General's decision, number B-31623, dated March 5, 1943, which is quoted (from the syllabus), in part, as follows:

"* * * the prorated overtime compensation for one day for full time employees who regularly work a 6-day, 48-hour week and who are paid on a per diem basis for every day in the year except Sundays should be computed by multiplying the basic daily rate by 313 (365 less 52 Sundays) to determine the equivalent annual rate, which rate should be divided by 360 to ascertain the daily rate for overtime purposes, and such daily rate should be multiplied by one and one-half (the overtime rate) and that amount multiplied by 52 (weeks in a year) to determine the per annum overtime rate, from which the daily rate of overtime compensation is obtained by dividing the said per annum overtime rate by 313.

"Where a per diem employee, who normally works and receives pay for each of the 6 days of the administrative 48-hour work week (no pay being received for Sunday), is absent on a Monday on leave without pay, either approved or unapproved, there should be withheld the employee's basic compensation, as well as the pro rata overtime compensation (as herein computed), for only one day."

Per diem or per hour employees who do not earn regular overtime, as computed by the above formula, equaling at least \$300 per annum, shall be paid in lieu of such overtime compensation additional compensation at the rate of \$300 per annum, or 25 per cent of the earned basic compensation, whichever is less. Additional compensation at the rate of \$300 per annum amounts to a daily increase of 95.84664 cents ($1/313$ of \$300).

Part-time Employees

Part-time employees shall receive, in lieu of overtime compensation, additional compensation at a rate of 15 per centum of so much of their earned basic compensation as is not in excess of a rate of \$2900 per annum.

Under the War Overtime Pay Act of 1943, effective May 1, 1943, the annual part-time salary rate for a part-time employee is determined by the following formula (see Decision B-34459 to Secretary of War dated May 17, 1943):

$$\frac{\text{Hours of part-time employee}}{\text{Hours of full-time employee of same class}} \times \text{basic annual salary as established by Classification Act of 1923, as amended.}$$

The annual part-time salary rate thus determined on the basis of the work week currently in force shall be increased by 15 per cent, provided the full-time salary rate from which it was determined does not exceed an annual rate of \$2900. In the event the full-time annual salary rate used to determine the annual part-time salary exceeds \$2900, the part-time salary rate shall be increased by only 15 per cent of the proportionate amount of the annual salary rate of \$2900.

For part-time employees on a regular daily tour of duty (i.e. the same number of hours of service each work day), the amount of the semi-monthly pay will be 1/24, and the daily rate for deduction for leave without pay and other purposes will be 1/360 of the full part-time annual compensation as computed in the preceding paragraph.

For part-time employees on a regular weekly tour of duty but who do not work the same number of hours each day, the following formula will be used for computing the pay of such employees for each pay period:

$$\frac{\text{Hours actually worked}}{\text{Hours should have worked during pay period}} \times \frac{15}{360} \times \text{Part-time Annual Salary rate} + 15\% \text{ (subject to \$2900 limitation)}$$

Piece-work and Fee Basis Employees

Departmental Circular No. 424 issued by the Civil Service Commission May 8, 1943, provides:

"* * * piece-work and fee basis employees shall receive, in lieu of overtime compensation, additional compensation at a rate of 15 per centum of so much of their earned basic compensation as is not in excess of a rate of \$2900 per annum."

So far as is known, "piece-work" is nonexistent in the Department. If there are isolated cases, this Office should be advised of the conditions in order that a ruling may be obtained regarding the method of applying the ceiling rate of \$2900 per annum.

The application of the ceiling of "a rate of \$2900 per annum" to fee basis employees is questionable and the Comptroller General is being requested to advise regarding the correct method of applying the limitation.

Intermittent and Irregular Employees

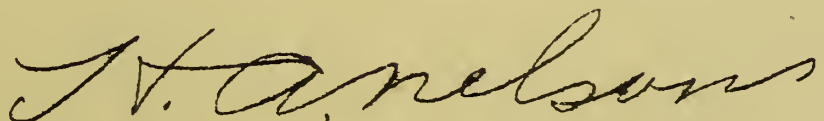
Intermittent and irregular employees shall be paid, in lieu of overtime compensation, additional compensation at a rate of (1) \$300 per annum if their earned basic compensation is at a rate of less than \$2000 per annum, provided such additional compensation does not exceed 25 per cent of the earned basic compensation of the employee for the pay period, or (2) 15 per cent of so much of their earned basic compensation as is not in excess of a rate of \$2900 per annum if their earned basic compensation is at a rate of \$2000 per annum or more.

Under (1) an employee whose compensation is computed on a per annum basis will receive 1/360 of the rate of \$300 per annum as the daily rate of additional compensation, if the annual salary rate is \$1200 or more but less than \$2000. If the per annum rate is less than \$1200 the additional daily compensation rate will be 1/360 of 25 per cent of the per annum rate. There is a question as to whether or not employees in this class paid at daily or hourly rates can receive additional compensation in lieu of overtime on basis of the actual tour of duty; for example, 1/313 of the additional annual rate for a 6-day week tour of duty. This point is being presented to the Comptroller General for decision.

Under (2), the rules established in Decision B-31316 issued by the Comptroller General January 2, 1943, will govern, and the following will be the maximum daily amounts on which the 15 per cent additional compensation can be computed:

<u>Tour of Duty</u> <u>Per Week</u>	<u>Maximum Daily Rate</u> <u>(Equivalent to \$2900 per annum)</u>
Per annum employees	\$ 8.05
6-days	9.26
5 $\frac{1}{2}$ days	10.10
5-days	11.11

Any questions regarding this Circular should be directed to Mr. Sickles, Fiscal Examining Section, Room 131-E, Extension 4066.



Acting Director of Finance

1872
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